



# House of Representatives

## File No. 770

General Assembly

February Session, 2008

**(Reprint of File No. 473)**

Substitute House Bill No. 5877  
As Amended by House Amendment Schedules  
"A" and "B"

Approved by the Legislative Commissioner  
May 1, 2008

### **AN ACT CONCERNING PROBATION.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-29 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) The court may sentence a person to a period of probation upon  
4 conviction of any crime, other than a class A felony, if it is of the  
5 opinion that: (1) Present or extended institutional confinement of the  
6 defendant is not necessary for the protection of the public; (2) the  
7 defendant is in need of guidance, training or assistance which, in [his]  
8 the defendant's case, can be effectively administered through  
9 probation supervision; and (3) such disposition is not inconsistent with  
10 the ends of justice.

11 (b) The court may impose a sentence of conditional discharge for an  
12 offense, other than a class A felony, if it is of the opinion that: (1)  
13 Present or extended institutional confinement of the defendant is not  
14 necessary for the protection of the public; and (2) probation  
15 supervision is not appropriate.

16 (c) When the court imposes a sentence of conditional discharge, the  
17 defendant shall be released with respect to the conviction for which the  
18 sentence is imposed but shall be subject, during the period of such  
19 conditional discharge, to such conditions as the court may determine.  
20 The court shall impose the period of conditional discharge authorized  
21 by subsection (d) of this section and shall specify, in accordance with  
22 section 53a-30, the conditions to be complied with. When a person is  
23 sentenced to a period of probation the court shall impose the period  
24 authorized by subsection (d), (e) or (f) of this section and may impose  
25 any conditions authorized by section 53a-30. When a person is  
26 sentenced to a period of probation, [he] such person shall pay to the  
27 court a fee of two hundred dollars and shall be placed under the  
28 supervision of the Court Support Services Division.

29 (d) [The] Except as provided in subsection (f) of this section, the  
30 period of probation or conditional discharge, unless terminated sooner  
31 as provided in section 53a-32 or 53a-33, shall be as follows: (1) For a  
32 [felony, except as provided in subsection (e) of this section] class B  
33 felony, not more than five years; (2) for a class C or D felony or an  
34 unclassified felony, not more than three years; (3) for a class A  
35 misdemeanor, not more than [three] two years; [(3) for a class B  
36 misdemeanor, not more than two years;] (4) for a class B or C  
37 misdemeanor, not more than one year; and (5) for an unclassified  
38 misdemeanor, not more than one year if the authorized sentence of  
39 imprisonment is three months or less, or not more than two years if the  
40 authorized sentence of imprisonment is in excess of three months, or  
41 where the defendant is charged with failure to provide subsistence for  
42 dependents, a determinate or indeterminate period.

43 (e) Notwithstanding the provisions of subsection (d) of this section,  
44 the court may, in its discretion, on a case by case basis, sentence a  
45 person to a period of probation which period, unless terminated  
46 sooner as provided in section 53a-32 or 53a-33, shall be as follows: (1)  
47 For a class C or D felony or an unclassified felony, not more than five  
48 years; (2) for a class A misdemeanor, not more than three years; and (3)  
49 for a class B misdemeanor, not more than two years.

50        [(e)] (f) The period of probation, unless terminated sooner as  
51        provided in section 53a-32, shall be not less than ten years or more  
52        than thirty-five years for conviction of a violation of subdivision (2) of  
53        subsection (a) of section 53-21 of the 2008 supplement to the general  
54        statutes or section 53a-70, 53a-70a, 53a-70b, 53a-71 of the 2008  
55        supplement to the general statutes, 53a-72a, 53a-72b, 53a-90a of the  
56        2008 supplement to the general statutes, 53a-196b, 53a-196c of the 2008  
57        supplement to the general statutes, 53a-196d of the 2008 supplement to  
58        the general statutes, 53a-196e of the 2008 supplement to the general  
59        statutes or 53a-196f of the 2008 supplement to the general statutes.

60        (g) Whenever the court sentences a person, on or after the effective  
61        date of this section, to a period of probation of more than two years for  
62        a class C or D felony or an unclassified felony or more than one year  
63        for a class A or B misdemeanor, the probation officer supervising such  
64        person shall submit a report to the sentencing court, the state's  
65        attorney and the attorney of record, if any, for such person, not later  
66        than sixty days prior to the date such person completes two years of  
67        such person's period of probation for such felony or one year of such  
68        person's period of probation for such misdemeanor setting forth such  
69        person's progress in addressing such person's assessed needs and  
70        complying with the conditions of such person's probation. The  
71        probation officer shall recommend, in accordance with guidelines  
72        developed by the Judicial Branch, whether such person's sentence of  
73        probation should be continued for the duration of the original period  
74        of probation or be terminated. Not later than sixty days after receipt of  
75        such report, the sentencing court shall continue the sentence of  
76        probation or terminate the sentence of probation. Notwithstanding the  
77        provisions of section 53a-32, the parties may agree to waive the  
78        requirement of a court hearing. The Court Support Services Division  
79        shall establish within its policy and procedures a requirement that any  
80        victim be notified whenever a person's sentence of probation may be  
81        terminated pursuant to this subsection. The sentencing court shall  
82        permit such victim to appear before the sentencing court for the  
83        purpose of making a statement for the record concerning whether such

84 person's sentence of probation should be terminated. In lieu of such  
85 appearance, the victim may submit a written statement to the  
86 sentencing court and the sentencing court shall make such statement a  
87 part of the record. Prior to ordering that such person's sentence of  
88 probation be continued or terminated, the sentencing court shall  
89 consider the statement made or submitted by such victim.

90 Sec. 2. Subsection (a) of section 20-341 of the 2008 supplement to the  
91 general statutes is repealed and the following is substituted in lieu  
92 thereof (*Effective October 1, 2008*):

93 (a) Any person who wilfully engages in or practices the work or  
94 occupation for which a license is required by this chapter without  
95 having first obtained an apprentice permit or a certificate and license  
96 for such work, or who wilfully employs or supplies for employment a  
97 person who does not have a certificate and license for such work, or  
98 who wilfully and falsely pretends to qualify to engage in or practice  
99 such work or occupation, or who wilfully engages in or practices any  
100 of the work or occupations for which a license is required by this  
101 chapter after the expiration of such person's license, shall be guilty of a  
102 class B misdemeanor, provided no criminal charges shall be instituted  
103 against such person pursuant to this subsection unless the work  
104 activity in question is reviewed by the Commissioner of Consumer  
105 Protection, or the commissioner's authorized agent, and the  
106 commissioner or such agent specifically determines, in writing, that  
107 such work activity requires a license and is not the subject of a bona  
108 fide dispute between persons engaged in any trade or craft, whether  
109 licensed or unlicensed. Notwithstanding the provisions of subsection  
110 (d) or (e) of section 53a-29, as amended by this act, and subsection (d)  
111 of section 54-56e of the 2008 supplement to the general statutes, if the  
112 court determines that such person cannot fully repay any victims of  
113 such person within the period of probation established in subsection  
114 (d) or (e) of section 53a-29, as amended by this act, or subsection (d) of  
115 section 54-56e of the 2008 supplement to the general statutes, the court  
116 may impose probation for a period of not more than five years. The  
117 penalty provided in this subsection shall be in addition to any other

118 penalties and remedies available under this chapter or chapter 416.

119 Sec. 3. Subsection (a) of section 20-417e of the general statutes is  
120 repealed and the following is substituted in lieu thereof (*Effective*  
121 *October 1, 2008*):

122 (a) In addition to any other remedy provided for in sections 20-417a  
123 to 20-417j, inclusive, any person who violates any provision of  
124 subsection (d) of section 20-417d shall be guilty of a class A  
125 misdemeanor. Notwithstanding subsection (d) or (e) of section 53a-29,  
126 as amended by this act, or section 54-56e of the 2008 supplement to the  
127 general statutes, if the court determines that a new home construction  
128 contractor cannot fully repay any victim of the violations committed  
129 by such contractor within the period of probation established in  
130 subsection (d) or (e) of section 53a-29, as amended by this act, or  
131 section 54-56e of the 2008 supplement to the general statutes, the court  
132 may impose probation for a period of not more than five years.

133 Sec. 4. Subsection (c) of section 20-427 of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective*  
135 *October 1, 2008*):

136 (c) In addition to any other remedy provided for in this chapter, (1)  
137 any person who violates any provision of subsection (b) of this section,  
138 except subdivision (8), shall be guilty of a class B misdemeanor and (2)  
139 any person who violates the provisions of subdivision (8) of subsection  
140 (b) of this section shall be guilty of a class B misdemeanor if the home  
141 improvement that is offered or made has a total cash price of ten  
142 thousand dollars or less and shall be guilty of a class A misdemeanor if  
143 the home improvement that is offered or made has a total cash price of  
144 more than ten thousand dollars. Notwithstanding subsection (d) or (e)  
145 of section 53a-29, as amended by this act, or section 54-56e of the 2008  
146 supplement to the general statutes, if the court determines that a  
147 contractor cannot fully repay his victims within the period of  
148 probation established in subsection (d) or (e) of section 53a-29, as  
149 amended by this act, or section 54-56e of the 2008 supplement to the

150 general statutes, the court may impose probation for a period of not  
151 more than five years. A violation of any of the provisions of this  
152 chapter shall be deemed an unfair or deceptive trade practice under  
153 subsection (a) of section 42-110b.

154 Sec. 5. Subsection (b) of section 53a-31 of the general statutes, as  
155 amended by section 36 of public act 08-1 of the January special session,  
156 is repealed and the following is substituted in lieu thereof (*Effective*  
157 *from passage*):

158 (b) Issuance of a warrant or notice to appear for violation pursuant  
159 to section 53a-32 shall interrupt the period of the sentence as of the  
160 date of such issuance until a final determination as to the violation has  
161 been made by the court. During the interrupted period, [unless  
162 otherwise ordered by the court, the defendant shall comply with any  
163 conditions imposed or with any conditions he or she was previously  
164 required to comply pursuant to section 53a-30] the court may impose  
165 any of the conditions of release set forth in section 54-64a. In the  
166 absence of a warrant or notice to appear for violation pursuant to  
167 section 53a-32, if the defendant has failed to comply with any of the  
168 conditions of probation or conditional discharge, such failure shall not  
169 relieve the Court Support Services Division from the responsibility of  
170 supervising the defendant.

171 Sec. 6. Section 53a-31 of the general statutes, as amended by section  
172 36 of public act 08-1 of the January special session and section 5 of this  
173 act, is repealed and the following is substituted in lieu thereof (*Effective*  
174 *October 1, 2008*):

175 (a) A period of probation or conditional discharge commences on  
176 the day it is imposed, except that, where it is preceded by a sentence of  
177 imprisonment with execution suspended after a period of  
178 imprisonment set by the court, it commences on the day the defendant  
179 is released from such imprisonment. Multiple periods, whether  
180 imposed at the same or different times, shall run concurrently.

181 (b) Issuance of a warrant or notice to appear for violation pursuant

182 to section 53a-32, as amended by this act, shall interrupt the period of  
183 the sentence as of the date of such issuance until a final determination  
184 as to the violation has been made by the court. [During the interrupted  
185 period, the court may impose any of the conditions of release set forth  
186 in section 54-64a.] In the absence of a warrant or notice to appear for  
187 violation pursuant to section 53a-32, as amended by this act, if the  
188 defendant has failed to comply with any of the conditions of probation  
189 or conditional discharge, such failure shall not relieve the Court  
190 Support Services Division from the responsibility of supervising the  
191 defendant.

192 (c) Notwithstanding the issuance of a warrant or notice to appear  
193 for violation pursuant to section 53a-32, as amended by this act, the  
194 defendant shall continue to comply with the conditions with which the  
195 defendant was previously required to comply pursuant to section 53a-  
196 30. The Court Support Services Division shall make reasonable efforts  
197 to inform the defendant of the defendant's obligation to continue to  
198 comply with such conditions and to provide the defendant with a copy  
199 of such conditions.

200 ~~[(c)]~~ (d) In any case where a person who is under a sentence of  
201 probation or of conditional discharge is also under an indeterminate  
202 sentence of imprisonment, or a sentence authorized under section 18-  
203 65a or 18-73, imposed for some other offense by a court of this state,  
204 the service of the sentence of imprisonment shall satisfy the sentence of  
205 probation or of conditional discharge unless the sentence of probation  
206 or of conditional discharge is revoked prior to parole or satisfaction of  
207 the sentence of imprisonment.

208 Sec. 7. Section 53a-32 of the general statutes is repealed and the  
209 following is substituted in lieu thereof (*Effective October 1, 2008*):

210 (a) At any time during the period of probation or conditional  
211 discharge, the court or any judge thereof may issue a warrant for the  
212 arrest of a defendant for violation of any of the conditions of probation  
213 or conditional discharge, or may issue a notice to appear to answer to a

214 charge of such violation, which notice shall be personally served upon  
215 the defendant. Any such warrant shall authorize all officers named  
216 therein to return the defendant to the custody of the court or to any  
217 suitable detention facility designated by the court. Whenever a  
218 defendant has, in the judgment of such defendant's probation officer,  
219 violated the conditions of such defendant's probation, the probation  
220 officer may, in lieu of having such defendant returned to court for  
221 proceedings in accordance with this section, place such defendant in  
222 the zero-tolerance drug supervision program established pursuant to  
223 section 53a-39d. Whenever a sexual offender, as defined in section  
224 54-260, has violated the conditions of such person's probation by  
225 failing to notify such person's probation officer of any change of such  
226 person's residence address, as required by said section, such probation  
227 officer may notify any police officer that such person has, in such  
228 officer's judgment, violated the conditions of such person's probation  
229 and such notice shall be sufficient warrant for the police officer to  
230 arrest such person and return such person to the custody of the court  
231 or to any suitable detention facility designated by the court. Any  
232 probation officer may arrest any defendant on probation without a  
233 warrant or may deputize any other officer with power to arrest to do  
234 so by giving such other officer a written statement setting forth that the  
235 defendant has, in the judgment of the probation officer, violated the  
236 conditions of the defendant's probation. Such written statement,  
237 delivered with the defendant by the arresting officer to the official in  
238 charge of any correctional center or other place of detention, shall be  
239 sufficient warrant for the detention of the defendant. After making  
240 such an arrest, such probation officer shall present to the detaining  
241 authorities a similar statement of the circumstances of violation.  
242 Provisions regarding release on bail of persons charged with a crime  
243 shall be applicable to any defendant arrested under the provisions of  
244 this section. Upon such arrest and detention, the probation officer shall  
245 immediately so notify the court or any judge thereof.

246 (b) When the defendant is presented for arraignment on the charge  
247 of violation of any of the conditions of probation or conditional



248 discharge, the court shall review any conditions previously imposed  
249 on the defendant and may order, as a condition of the pretrial release  
250 of the defendant, that the defendant comply with any or all of such  
251 conditions in addition to any conditions imposed pursuant to section  
252 54-64a. Unless the court, pursuant to subsection (c) of section 54-64a,  
253 orders that the defendant remain under the supervision of a probation  
254 officer or other designated person or organization, the defendant shall  
255 be supervised by the Court Support Services Division of the Judicial  
256 Branch in accordance with subsection (a) of section 54-63b.

257 (c) [Thereupon,] Upon notification by the probation officer of the  
258 arrest of the defendant or upon an arrest by warrant as herein  
259 provided, the court shall cause the defendant to be brought before it  
260 without unnecessary delay for a hearing on the violation charges. At  
261 such hearing the defendant shall be informed of the manner in which  
262 such defendant is alleged to have violated the conditions of such  
263 defendant's probation or conditional discharge, shall be advised by the  
264 court that such defendant has the right to retain counsel and, if  
265 indigent, shall be entitled to the services of the public defender, and  
266 shall have the right to cross-examine witnesses and to present evidence  
267 in such defendant's own behalf. Unless good cause is shown, a charge  
268 of violation of any of the conditions of probation or conditional  
269 discharge shall be disposed of or scheduled for a hearing not later than  
270 one hundred twenty days after the defendant is arraigned on such  
271 charge.

272 [(b)] (d) If such violation is established, the court may: (1) Continue  
273 the sentence of probation or conditional discharge; (2) modify or  
274 enlarge the conditions of probation or conditional discharge; (3) extend  
275 the period of probation or conditional discharge, provided the original  
276 period with any extensions shall not exceed the periods authorized by  
277 section 53a-29; or (4) revoke the sentence of probation or conditional  
278 discharge. If such sentence is revoked, the court shall require the  
279 defendant to serve the sentence imposed or impose any lesser  
280 sentence. Any such lesser sentence may include a term of  
281 imprisonment, all or a portion of which may be suspended entirely or

282 after a period set by the court, followed by a period of probation with  
283 such conditions as the court may establish. No such revocation shall be  
284 ordered, except upon consideration of the whole record and unless  
285 such violation is established by the introduction of reliable and  
286 probative evidence and by a preponderance of the evidence.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2008</i>	53a-29
Sec. 2	<i>October 1, 2008</i>	20-341(a)
Sec. 3	<i>October 1, 2008</i>	20-417e(a)
Sec. 4	<i>October 1, 2008</i>	20-427(c)
Sec. 5	<i>from passage</i>	53a-31(b)
Sec. 6	<i>October 1, 2008</i>	53a-31
Sec. 7	<i>October 1, 2008</i>	53a-32

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

### **OFA Fiscal Note**

#### **State Impact:**

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Judicial Department (Probation & Adult Services); Comptroller - Adjudicated Claims Account	GF - Savings	Significant	Significant
Judicial Dept.	GF - Cost	None	Less than 10,000

Note: GF=General Fund

**Municipal Impact:** None

#### **Explanation**

The bill reduces the maximum probation term for certain offense classes. This change applies to sentences imposed on or after October 1, 2008. Approximately 2,000 probation clients would qualify to have their probation terms reduced under the bill. Removing these clients from the probation caseload would yield annual state savings estimated to be \$7.5 million including the salaries of 75 Adult Probation Officers, associated expenses and fringe benefits, as well as services.

The savings indicated above would begin to accrue in FY 10 as the reduced probation terms begin to take effect, and would continue to build until it is fully annualized in FY 13. To the extent that the 75 Adult Probation Officers are retained in order to reduce caseloads<sup>1</sup>, or funding for services is reallocated to serve the approximate 54,000 probation clients remaining under supervision, the savings indicated above would not take place.

The bill requires probation officers to submit progress reports

<sup>1</sup> Note that the Judicial Department has approximately 150 fewer Adult Probation Officers than needed to comply with recommended caseload standards.

concerning probationers to the court, state's attorneys and defendants' attorneys of record prior to expiration of their probation terms imposed under the bill. The cost of these submittals is minimal. Upon receipt of these reports, the sentencing court must decide to continue probation or terminate it. Victims must be notified of these hearings, and have an opportunity to appear before the court or submit a written statement. The Judicial Department would incur a minimal annual cost to notify victims of these proceedings. It is anticipated that the Judicial Department could prepare progress reports and conduct hearings under the bill without requiring additional resources.

The bill allows the court to order Intake, Assessment and Referral (IAR) Specialists to supervise defendants (at a ratio of 100-1) arraigned on the charge of violation of any of the conditions of probation instead of Adult Probation Officers (at a ratio of 65-1). This has significant savings.

House Amendment "A" required probation officers to give progress reports to state's attorneys and attorneys for defendants. This has minimal cost.

House Amendment "B" allowed Intake, Assessment and Referral specialists to supervise certain defendants instead of Adult Probation Officers, which is anticipated to result in significant savings since fewer staff would be required to conduct supervision.

### ***The Out Years***

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 5877 (as amended by House “A” and “B”)\******AN ACT CONCERNING TERMS OF PROBATION.*****SUMMARY:**

Current law allows the court to sentence an offender to a term of probation up to a maximum number of years based on the classification of the offense. This bill reduces that maximum probation term for (1) class C, D, and unclassified felonies from five to three years; (2) class A misdemeanors from three to two years; and (3) class B misdemeanors from two years to one. But it also gives the court discretion to continue to sentence someone up to the maximum probation terms provided in current law, on a case-by-case basis.

The bill requires a person’s probation officer to submit a progress report to the sentencing court, state’s attorney, and the probationer’s attorney of record if the probationer was sentenced to more than a certain number of years of probation for one of these felonies or misdemeanors. The court must then consider the report and any victim statement to decide whether to continue or terminate the probation. These provisions only apply to sentences imposed on or after October 1, 2008.

The bill also reduces the maximum terms of conditional discharge to which a court can sentence an offender. The bill reduces the term for:

1. class C, D, and unclassified felonies from five years to three years;
2. class A misdemeanors from three years to two years; and
3. class B misdemeanors from two years to one year.

The bill changes the conditions that are imposed on someone who is arrested for a violation of probation or conditional discharge. It also requires the court to dispose of or schedule a hearing on the violation within 120 days after arraignment unless good cause is shown. Under current law, the court must bring a defendant before it for a hearing on the violation without unnecessary delay.

The bill also makes technical and conforming changes.

\*House Amendment "A" requires the probation officer's progress report to be submitted to the state's attorney and probationer's attorney of record as well as to the sentencing court.

\*House Amendment "B" adds the provisions on conditions imposed on someone arrested for a violation of probation or conditional discharge and the time limit for court action on a violation.

EFFECTIVE DATE: October 1, 2008 except the provision imposing the same conditions of release as for someone arrested for a crime on someone after issuance of an arrest warrant or a notice to appear for a violation of probation is effective upon passage.

## PROBATION TERMS

Table 1 displays the changes to probation terms that a court can sentence an offender to under current law and the bill.

Table 1: Probation terms under current law and the bill.

Type of Offense	Current Law Maximum Term	Under the Bill	
		Maximum Term	Case-by-Case Maximum Term
Felonies			
Class C	5 Years	3 Years	5 Years
Class D	5 Years	3 Years	5 Years
Unclassified	5 Years	3 Years	5 Years

Misdemeanors			
Class A	3 Years	2 Years	3 Years
Class B	2 Years	1 Year	2 Years

Under current law, unchanged by the bill, a court cannot sentence someone convicted of a class A felony to probation, the maximum period of probation for a class B felony is five years, and the probation period for certain sex offenders is between 10 and 35 years.

### **PROBATION OFFICER'S REPORT, VICTIMS, AND COURT DECISION**

The bill requires a person's probation officer to submit a progress report to the sentencing court within 60 days of the (1) two-year mark in the probation term of someone sentenced to more than two years of probation for a class C or D felony or an unclassified felony or (2) one-year mark in the probation term of someone sentenced to more than one year of probation for a class A or B misdemeanor. The report must also be submitted to the state's attorney and the probationer's attorney of record if there is one.

The report must describe the probationer's progress in addressing his or her assessed needs and compliance with probation conditions. The officer must recommend, under guidelines the Judicial Branch develops, whether the probation period should continue or terminate.

Within 60 days of receiving the report, the sentencing court must either continue or terminate the person's probation. The parties can agree to waive a court hearing.

The Judicial Branch's Court Support Services Division's (CSSD) policies and procedures must require notification of any victim when someone's probation may be terminated. The court must allow the victim to (1) appear and make a statement for the record about whether to terminate the probation period or (2) submit a written statement that the court makes part of the record. The court must consider a victim's statement before continuing or terminating the

probation period.

## **VIOLATIONS OF PROBATION AND CONDITIONAL DISCHARGE**

By law, the issuance of an arrest warrant or a notice to appear for a violation of probation or conditional discharge interrupts the probationer's sentence until a court makes a final determination concerning the violation.

Under current law, effective January 25, 2008 under PA 08-1, January Special Session, the defendant must comply with any conditions imposed or previously imposed probation or conditional discharge conditions unless the court orders otherwise. The bill returns to prior law and instead allows the court to impose any conditions of release it may impose on anyone arrested for a crime (e.g., bail). But after October 1, 2008, the bill requires the defendant to comply with the probation or conditional discharge conditions previously imposed and requires CSSD to make reasonable efforts to inform the defendant of his or her obligation to continue complying with these conditions and to provide a copy of them.

The bill requires the court to review the conditions previously imposed on the defendant when he or she is arraigned on the violation charge. The court can, as a condition of pretrial release, order the defendant to comply with any of the conditions that could be imposed on someone arrested for a crime. The person is supervised by CSSD unless the judge orders supervision by a probation officer.

## **BACKGROUND**

### ***Probation and Conditional Discharge***

By law, the court can sentence someone to probation if (1) present or extended institutional confinement is not necessary to protect the public; (2) the defendant needs guidance, training, and assistance that can be effectively administered through probation supervision; and (3) it is not inconsistent with the ends of justice (CGS § 53a-29(a)).

By law, the court can impose a sentence of conditional discharge if



(1) present or extended institutional confinement is not necessary to protect the public and (2) probation supervision is not appropriate (CGS § 53a-29(b)).

By law, if a person violates the conditions of probation or conditional discharge, the court can continue the sentence of probation or conditional discharge, modify or enlarge the conditions, extend the time period up to the amount of the maximum allowed for the crime, or revoke the probation or conditional discharge (CGS § 53a-32).

By law the court or sentencing judge can terminate a sentence of probation or conditional discharge for good cause at any time after a hearing except for certain sex offenders (CGS § 53a-33).

### ***Conditions for Releasing Someone on Bail***

By law, the Superior Court must, in bailable offenses, promptly order an arrestee's release upon the first of the following conditions of release found sufficient to reasonably assure his or her appearance in court upon his or her execution of a:

1. written promise to appear without special conditions,
2. written promise to appear with non-financial conditions,
3. bond without surety in no greater amount than necessary, or
4. bond with surety in no greater amount than necessary.

In addition to or in conjunction with any of these conditions the court may, when it has reason to believe that the person is drug-dependent and that it is necessary, reasonable, and appropriate, order the person to submit to a urinalysis drug test and to participate in a program of periodic drug testing and treatment.

The court may, in determining what conditions of release will reasonably assure the appearance of the arrested person in court, consider the nature and circumstances of the offense and the person's:

1. record of previous convictions,
2. past record of appearance in court after being admitted to bail,
3. family ties,
4. employment record, and
5. financial resources, character, mental condition, and community ties.

For people charged with certain serious crimes it may also consider:

1. the number and seriousness of pending charges, the weight of the evidence against the arrestee, and whether he or she has previously been convicted of similar offenses while released on bond; and
2. the arrestee's history of violence and, based on the arrestee's expressed intention, the likelihood that he or she will commit another crime while released.

If the court imposes nonfinancial conditions, it imposes the least restrictive ones that will reasonably assure the person's appearance in court and, for certain arrestees, that the safety of others will not be endangered. The conditions can include:

1. supervision by a person or organization;
2. complying with restrictions on travel, association, or place of abode;
3. not engaging in specific activities including using or possessing dangerous weapons, intoxicants, or drugs;
4. participating in the zero tolerance drug supervision program;
5. providing sureties of the peace;

6. avoiding contact with the victim and witnesses who may testify;
7. maintaining or seeking employment;
8. maintaining or starting educational programs;
9. being subject to electronic monitoring; and
10. satisfying other conditions reasonably necessary to ensure the person's appearance in court and the safety of others (CGS § 54-64a).

***Conditions of Probation or Conditional Discharge***

By law, the court can impose the following conditions on someone sentenced to probation or conditional discharge:

1. work at suitable employment or pursue studies or vocational training for employment;
2. undergo medical or psychiatric treatment and remain in an institution for that purpose when required;
3. support dependants and meet family obligations;
4. make restitution;
5. if a minor, reside with his or her parents or in a foster home, attend school, and contribute to supporting his or her home;
6. post a bond or security;
7. refrain from violating state and federal criminal laws;
8. participate in an alternative incarceration program, if convicted of certain crimes;
9. reside in a residential community center or halfway house and contribute to the cost;
10. participate in the community service or community service labor

program;

11. undergo sex offender treatment if convicted of certain crimes;
12. register as a sex offender if required by law;
13. be subject to electronic monitoring including a global positioning system;
14. participate in an anti-bias crime education program for certain crimes;
15. undergo psychiatric or psychological counseling or participate in animal cruelty prevention and education programs if available; and
16. satisfy other conditions that reasonably relate to the defendant's rehabilitation.

CSSD can require that someone sentenced to probation comply with any conditions that the court could have imposed if they are not inconsistent with the conditions that the court did impose (CGS § 53a-30).

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41      Nay 1      (03/17/2008)